

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as
successor-in-interest to all
permitted successors and assigns of
JP Morgan Chase Bank, as Trustee
for Certificateholders of Nomura
Asset Acceptance Corporation,
Mortgage Pass-Through Certificates,
Series 2004-AR1,**

Plaintiff,

vs.

**PETER J. CRESCI, JENNIFER L.
CRESCI, THE STATE OF NEW
JERSEY,**

Defendants,

vs.

**AMERICA'S SERVICING COMPANY,
WELLS FARGO BANK, N.A.,
MILSTEAD & ASSOCIATES, LLC,**

**Third-Party
Defendants.**

Civ. No. 2:17-cv-9508-KM-MAH

ORDER

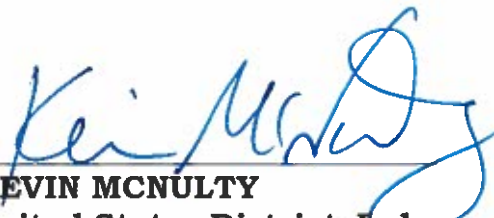
THIS MATTER having come before the court on defendants Peter and Jennifer Cresci's objection (ECF No. 21) to Magistrate Judge Hammer's report and recommendation ("R&R"), which proposed remanding this matter to the Superior Court of New Jersey, Hudson County, Chancery Division (ECF No.

20); and plaintiff and the third-party defendants having disagreed with this objection (ECF Nos. 22, 23); and the court having reviewed the R&R *de novo* and considered the defendants' objection, the plaintiff's reply, and the third-party defendants' reply (ECF Nos. 20, 21, 22, 23) without oral argument; for the reasons stated in the accompanying Opinion and good cause appearing therefor;

IT IS this 15th day of March, 2018,

ORDERED as follows:

1. The objection of the defendant (ECF No. 21) to the R&R is rejected;
2. I adopt the R&R and remand the case to the Superior Court of New Jersey, Hudson County, Chancery Division.



KEVIN MCNULTY
United States District Judge